

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

APR - 6 2022

UNITED STATES OF AMERICA

v.

GREGORY CHERRY JR.

§
§
§
§
§

NO. 1:22CR 29

Judge: Crone-Hawthorn

BY

DEPUTY _____

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Count One

Violation: 18 U.S.C. § 922(g)(1)
(Possession of a Firearm by a Prohibited
Person)

On or about August 6, 2021, in the Eastern District of Texas, **Gregory Cherry Jr.**, defendant, did knowingly and unlawfully possess in and affecting interstate or foreign commerce, a firearm, to wit: a Hi Point, model C9, 9mm pistol, bearing serial number P19337809, while knowing that he had been convicted of a crime or crimes punishable by imprisonment for a term exceeding one year.

All in violation of 18 U.S.C. § 922(g)(1).

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

Firearms Forfeiture Allegation
(18 U.S.C. § 924(d) & 28 U.S.C. § 2461(c))

The allegation contained in Count One of this Indictment are hereby re-alleged

and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

Upon conviction of the offense in violation of Title 18, United States Code, Section 922(g), set forth in Count One of this Indictment, the defendant, **Gregory Cherry, Jr.**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense including:

- a. a Hi Point, model C9, 9mm pistol, bearing serial number P19337809

If any of the property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. §2461(c).

A TRUE BILL



GRAND JURY FOREPERSON

BRITT FEATHERSTON
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "Russell E. James", written over a horizontal line.

RUSSELL E. JAMES
Assistant United States Attorney

4/6/2022

Date

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Crone / Hawthorn

NOTICE OF PENALTY

Count One

Violation:

18 U.S.C. § 922(g)(1)

Penalty:

Imprisonment of not more than ten (10) years, a fine not to exceed \$250,000 or twice the pecuniary gain to the defendant or loss to the victim, or both imprisonment and a fine; and a term of supervised release of not more than three (3) years.

If the Court determines that the defendant is an Armed Career Offender under 18 U.S.C. 924(e), imprisonment of not less than 15 years and not more than life, a fine not to exceed \$250,000 or twice the pecuniary gain to the defendant or loss to the victim, or both; a term of supervised release of not more than five (5) years.

Special Assessment:

\$ 100.00